

FILED  
JUN 24 2008  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALFRED A. SANDOVAL, ) No. C 08-0865 JSW (PR)  
Plaintiff, )  
v. ) **ORDER GRANTING LEAVE TO  
D. BARNEBURG, et al., ) AMEND; VACATING SCHEDULE  
Defendants. ) FOR DISPOSITIVE MOTIONS**  
) (Docket No. 11)  
\_\_\_\_\_  
)

Plaintiff, a California prisoner, filed this pro se civil rights complaint under 42 U.S.C § 1983 against 21 individual defendants. On May 7, 2008, after reviewing the complaint pursuant to 28 U.S.C. § 1915A, the Court found that it stated cognizable claims against 11 defendants and ordered the U.S. Marshal to serve the complaint upon these defendants. In that same order, the Court dismissed the claims against 10 other defendants for failure to state a cognizable claim for relief.

Plaintiff has filed a motion “for stay and partial vacate” of the Court’s May 7, 2008 order. In his motion, Plaintiff indicates that he wishes to file an amended complaint in order to amend his claims against the dismissed defendants and to add new defendants. Although Plaintiff describes the allegations he wishes to add in his amended complaint, he does not include with his motion a proposed amended complaint, as he is required to do. If plaintiff wishes to file an amended complaint, he may do so, *see Fed. R. Civ. P. 15(a)*, within **30 days** of the date this order is filed. The amended complaint must be simple and concise and must include the civil case number used in this order (C

1 08-0865 JSW (PR)) and the words FIRST AMENDED COMPLAINT on the first page.

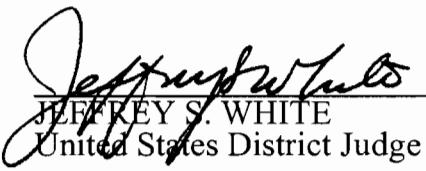
2 **Failure to file an amended complaint in accordance with this order will result**  
3 **in the dismissal of this action without prejudice. Plaintiff is advised that the**  
4 **amended complaint will supersede the original complaint and all other pleadings in**  
5 **this action. Claims and Defendants not included in the amended complaint will not**  
6 **be considered by the Court. See King v Atiyeh, 814 F2d 565, 567 (9th Cir 1987).**

7 The dispositive motion schedule on the original complaint set forth in the May 7,  
8 2008, order is VACATED. The Court will schedule dispositive motions following the  
9 filing of the amended complaint or the passage of the deadline for such filing.

10 This order terminates Docket No. 11.

11 IT IS SO ORDERED.

12 DATED: \_\_\_\_\_

13   
14 JEFFREY S. WHITE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ALFRED ARTHUR SANDOVAL,

Plaintiff,

v.

JAMES TILTON et al,

Defendant.

Case Number: CV08-00865 JSW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 24, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Alfred Arthur Sandoval D61000  
Pelican Bay State Prison - D2-105  
P.O.Box 7500  
Crescent City, CA 95532

Dated: June 24, 2008

  
Richard W. Wieking, Clerk  
By: Monica Narcisse, Deputy Clerk